



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 5197-00
11 October 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 8 September 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

8 Sep 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) BCNR memo of 7 Aug 00
(b) DOD Financial Management Regulation (Vol 7B)
(c) National Defense Authorization Act of FY-98

Encl: (1) Excerpts from Shift Colors

1. Per reference (a), recommend the BCNR not correct [REDACTED] record to reflect that he declined the Survivor Benefit Plan (SBP) effective 1 September 1998, the day after he transfer to the Fleet Reserve.

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Fleet Reserve on 31 August 1998. He was automatically enrolled in SBP spouse coverage on 1 September 1998.

b. [REDACTED] was enrolled in SBP spouse coverage category automatically because his election certificate was not received by Defense Finance and Accounting Service - Cleveland (DFAS-CL). Per reference (b), "A member who retires on or after 21 September 1972, has automatic participation at a maximum level, unless he/she elects otherwise before retirement." Also PO1 Moore had an opportunity to submit an Administration Error Correction letter within his first year of retirement.

c. Per reference (c), a retiree who has been retired for over two years had a one time opportunity to disenroll from SBP between 17 May 1998 and 16 May 1999. Additionally, the new provision will allow future SBP participants an opportunity to terminate SBP participation within their second and third year SBP anniversary dates (after 17 May 1998).

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

3. [REDACTED] can submit his Termination Request to the Defense Finance and Accounting Service - Cleveland Center, P.O. Box 99191, Cleveland, OH 44199-1126. No SBP premiums will be refunded.

4. Information on SBP has been widely publicized through "Shift Colors" (a quarterly newsletter mailed to all retirees), based on the address provided to the Defense Finance and Accounting Service, Cleveland (DFAS-CL) by the retiree. All retirees that keep their addresses current with DFAS-CL begin receiving this publication within months after retirement. Enclosure (1) contains an article that appeared in "Shift Colors" after PO1 Moore transfer to the Fleet Reserve. The article stated "Retirees who are unable to get an answer from the DFAS-CL or a Retired Activities Office (RAO), can contact the Navy Retired Activities Branch (PERS-622) at Navy Personnel Command in Millington, TN for further assistance to retirees."

[REDACTED]
Head, Navy Retired Activities
Branch (PERS-622)